

House Resolution 129

By: Representatives Buckner of the 130th, Channell of the 116th, Ralston of the 7th, Bearden of the 68th, McKillip of the 115th, and others

A RESOLUTION

1 Urging the Composite State Board of Medical Examiners to adopt new rules pursuant to
2 Code Section 43-34-26.3; and for other purposes.

3 WHEREAS, the Georgia General Assembly enacted Code Section 43-34-26.1 in 1989 in
4 order to grant registered nurses the authority to perform certain delegated medical acts in
5 accordance with a written agreement between the registered nurse and the physician; and

6 WHEREAS, Code Section 43-34-26.1 allowed the registered nurse to call in drug orders
7 (prescriptions) into a pharmacy but specifically prohibited that same nurse from putting those
8 same prescription drug orders in writing; and

9 WHEREAS, from the passage of Code Section 43-34-26.1 in 1989 through 2005, all the
10 other states in the country enacted legislation allowing their advanced practice registered
11 nurses (APRNs) to execute written prescription drug orders, with Georgia remaining the only
12 state in the country during that time which prohibited this practice; and

13 WHEREAS, during the 2006 session, the Georgia General Assembly enacted Code Section
14 43-34-26.3 to permit this state's APRNs to join the rest of the country by allowing our
15 APRNs the authority to execute written drug orders; and

16 WHEREAS, within months after the passage of this legislation, the Composite State Board
17 of Medical Examiners posted proposed rules governing how physicians are to practice under
18 Code Section 43-34-26.3; and

19 WHEREAS, the state's various nursing organizations, hospital groups, individual physicians,
20 and the Division of Public Health of the Department of Human Resources attended three
21 public hearings to speak against these proposed rules; and

1 WHEREAS, despite the many protests of these groups against these proposed rules, the
2 Composite State Board of Medical Examiners passed its rules in December, 2006; and

3 WHEREAS, almost all of the state's health organizations view the rules dealing with the
4 2006 APRN protocols passed by the Composite State Board of Medical Examiners to be
5 unnecessarily restrictive, burdensome, and not in the best interest of the delivery of quality
6 health care in our state; and

7 WHEREAS, most APRNs have determined that the rules of the Composite State Board of
8 Medical Examiners are not in the spirit of the 2006 APRN protocol law and have opted not
9 to enter such agreements with their physician partners; and

10 WHEREAS, the passage by the Composite State Board of Medical Examiners of such
11 restrictive rules negates legislative intent and all but voids the 2006 action of the Georgia
12 General Assembly; and

13 WHEREAS, the Composite State Board of Medical Examiners has the authority and
14 opportunity to redraft its APRN protocol rules in a way that reflects the will of the Georgia
15 General Assembly and thereby avoid the need for the General Assembly to exercise its
16 legislative prerogative of revisiting this issue during its current session.

17 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES that
18 the members of this body strongly urge the Composite State Board of Medical Examiners to
19 adopt new rules pursuant to Code Section 43-34-26.3 in a manner so that any such new rules
20 will conform strictly with the language contained in said Code section in order to reflect the
21 legislative intent of the General Assembly.